THE HON'BLE MR. JUSTICE V.V.S. RAO

WEDNESDAY, THE 21ST DAY OF DECEMBER, 2005

W.P.No. 26907 of 2005

Between:-

Gampa Suganamma

--Petitioner

And

The District Collector, Visakhapatnam district, Visakhapatnam and another.

--Respondents

THE HON'BLE MR. JUSTICE V.V.S. RAO

W.P.No. 26907 of 2005

:O R D E R:

An extent of Ac.0-89 cents of land in survey No. 63/3 of Lakshmipuram village, Pendurthi mandal, Visakhapatnam district was allegedly purchased by the petitioner's husband under un-registered sale deed. Based on the same, the 2nd respondent also issued Pattedar Passbook and title deeds under the provisions of Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act'). After the death of the husband of the petitioner on 12-01-1999, the petitioner succeeded to the property by reason of an unregistered will and also constructed a house in an extent of Ac.0-05 cents of land. She alleges that on 06-12-2005, the 2nd respondent, without giving any notice, came with police and removed the old tamarind trees aged about 50 years and also tried to interfere with her possession. Therefore, petitioner seeks a direction to the respondents not to interfere with her possession and not to auction the tamarind trees, which were felled.

After getting instructions in the matter, learned Assistant Government Pleader for Revenue submits that as per the passbook and title deed, the petitioner's husband is the owner of the land ad-measuring Ac.0-89 cents in survey No. 63/3-I and that the Government has taken the land in an extent of Ac.0-61 cents in survey No. 63/3 for the provision of house site pattas to Scheduled Caste people. He also submits that the land in an extent of Ac.0-61 cents in survey No.63/3 belongs to Government Poramboke. He also states that respondents never interfered with the possession of the petitioner over the land in survey No.63/3-I. He also denies that any trees in the petitioner's land were cut. A perusal of the copy of the Pattadar Passbook and title deed would support the contention of the learned Assistant Government Pleader that

the petitioner has nothing to do with the land in an extent of Ac.0-61 cents in survey No. 63/3 of Lakshmipuram village and, therefore, she cannot have any grievance. However, if the land ad-measuring Ac.0-89 cents, which is in possession of the petitioner, is required, the respondents have to follow the necessary procedure under law for acquiring the same. Insofar as the trees, which were cut and which were allegedly situated in the petitioner's land, are concerned, the Mandal Revenue Officer may conduct an inquiry into the same before disposing of the trees.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

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V.V.S. RAO, J

21-12-2005

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